

**Minutes of Public Meeting**  
**Environmental Quality Commission**  
Room 111 Capitol Annex, Frankfort, Ky.  
January 18, 2001--1:00 to 3:30

**EQC Commissioners and Staff**

Aloma Dew, Chair  
Betsy Bennett, Vice-Chair  
C.V. Bennett, III

Gary Revlett  
Bob Riddle  
Serena Williams  
Patty Wallace  
Leslie Cole, Director  
Erik Siegel, Asst. Director  
Frances Kirchhoff, Adm. Asst.

**Speakers/Representatives Present**

Bob Logan, Commissioner, Dept. of Environmental Protection  
Allen Luttrell, Deputy Commissioner, Dept. of Surface Mining  
Bruce Williams, Deputy Secretary, Natural Resources and  
Environmental Protection Cabinet  
Bonnie Biemer, Executive Administrator, City of Louisville  
Vicki Ray, Division of Water

**Opening Remarks**

Environmental Quality Commission (EQC) Chair Aloma Dew opened the meeting at 1 pm. Approximately 25 people were in attendance. Ms. Dew explained the purpose of the meeting was to update progress of the October 11 coal slurry spill in Martin County, review the 2001 legislative session, and review drinking water regulations.

**Update on Coal Slurry Spill**

Chair Dew introduced Bob Logan, Commissioner of the Department for Environmental Protection, and Allen Luttrell, Deputy Commissioner for the Department for Surface Mining to provide an update on the Martin County Coal Slurry Spill.

Mr. Logan stated that the Department of Environmental Protection's main focus has been on cleanup of Cold Water Fork and Wolf Creek. At this time, 95 percent of the sludge has been removed from Cold Water Fork and 80 percent from Wolf Creek. There are about 8 miles in Cold Water Fork and 16 miles in Wolf Creek that still need to be cleaned and restored. The cleanup/removal process was shut down during the cold weather and the holidays. An action plan for rain would be implemented if rainfall were one inch or more.

Mr. Luttrell stated that the main focus for the Department for Surface Mining is the removal of the sludge from alongside streams and other areas. He noted that about 97 percent of the grading is done. A review of other coal mine impoundments is underway. Two have been cited for safety violations. Investigation of the cause of the failure continues. Department for Surface Mining is conducting and paying for down-hole camera, the geologists, and the engineer's work. MSHA is paying the core drilling. All agencies are sharing information and working together but will issue separate reports. The A. E. Massey Coal Company was covered by insurance and the clean up is being paid by insurance, but if insurance is depleted, the company has made a commitment to cleanup. Mr. Logan and Mr. Luttrell stated that the cleanup is progressing. Both federal and state agencies have had personnel at the site since November 18.

## **Discussion (Questions and Answers)**

### **Are water and sewer operations damaged by the spill being repaired?**

Logan--If damage was done and the private system has been identified, local health, the Department for Surface Mining, the Department for Environmental Protection will ensure the problems are corrected.

### **What were the results of the water quality testing?**

Logan—DEP has been monitoring water quality. One problem is turbidity. The water samplings for turbidity and suspended solids have ranged from 20,000 to 40,000.

### **What were the results of the review of other impoundments reviewed for safety?**

Luttrell--There are 120 to 125 MSHA approved impoundments in Kentucky. Sixty-one were identified with a hazard rating. After these 61 are looked at all the others will be reviewed.

### **Are impoundment regulations going to change because of this event?**

Luttrell--The criteria will not change because it we would need a change in the law.

### **Will the permitting process be evaluated?**

Luttrell--There is a need for better communication.

### **Is a study being done to find the cause of the failure?**

Luttrell--DSMRE is using a down-hole camera, and MSHA is doing core drilling to find the cause.

### **A concerned citizen wrote Commissioner Bennett asking about the quality of the cleanup work. The writer described the cleanup as a hack job and the streams were nothing more than Vs and that backhoes were turning the soil to hide the sludge.**

Logan--At the time of the spill there were no stream channels left. The only way to begin again was to make channels. After the channels were dug, and native species are replanted, with time the area will look much different. In 3 to 5 years, the area will look more like it originally did.

### **After the reinspections of existing impoundments, has a new criteria been developed for impoundments, has the criteria changed, is it going to change, does it need changing?**

Luttrell—No new criteria for acceptance has been made but the spill has been a learning process.

Aloma Dew read a draft resolution entitled **Kentucky Environmental Quality Commission Follow-up Resolution on the Oct. 11 Coal Slurry Spill** containing EQC recommendations concerning the coal slurry spill. After discussion, Betsy Bennett made a motion to approve the resolution, seconded by Bob Riddle. The motion passed unanimously. The resolution is attached and made a part of these minutes.

## **2001 Legislation Session**

Chair Dew introduced Bruce Williams, Deputy Commissioner for the Natural Resources and Environmental Protection Cabinet. Mr. Williams gave a briefing of bills before the

legislators concerning the environment including: HB 27; SB 48; HB 51; HB 134; HB 104; SB 002; HB 20; SB 056; SB 60.

Bonnie Biemer, Executive Administrator, Division of Environmental Issues, Louisville Development Authority, City of Louisville spoke next about legislation concerning Brownfields (HB 104 and SB2).

### **Drinking Water Regulations**

Vicki Ray with the Division of Water gave an overview of proposed drinking water regulations. After discussion, Betsy Bennett motioned to approve the following regulations and Gary Revlett seconded the motion. The motion passed unanimously. Commission recommended approval of the following regulations:

401 KAR 8:010	Definitions for 401 KAR Chapter 8
401 KAR 8:020	Public and semipublic water supplies - general provisions
401 KAR 8:070	Public notification
401 KAR 8:150	Disinfection and filtration
401 KAR 8:500	Disinfection by-products
401 KAR 8:075	Consumer confidence reports
401 KAR 8:160	Enhanced filtration and disinfection
401 KAR 8:510	Disinfection residuals, disinfection by-products, and disinfection by-products precursors.

### **Other Business**

Leslie Cole reported that the budget for EQC is 36 percent depleted with 58 percent of the budget year lapsed. There being no further business, the meeting adjourned at 3:30 pm.

### **Meeting with Secretary Bickford**

EQC commission members Aloma Dew, Betsy Bennett, and Gary Revlett and EQC executive director Leslie Cole and assistant director Erik Siegel, met with Secretary Bickford following the Feb. 22 meeting. Commissioners presented Sec. Bickford with the EQC resolution on the coal slurry spill, reviewed the 2001 EQC goals and schedule, and discussed other matters.

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signed \_\_\_\_\_ date \_\_\_\_\_